

1 The Hon. James L. Robart
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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JESUS RUIZ-HERNANDEZ, a/k/a,
14 CHRISTO JESUS ESCOBAR SOLARES,

15 Defendant,

16 and

17 LUIS ALFONSO RUIZ-HERNANDEZ,

18 Petitioner.

NO. CR22-197-JLR

**ORDER DISMISSING PETITION OF
LUIS ALFONSO RUIZ-HERNANDEZ**

20 THIS MATTER comes before the Court on the United States' Motion to Dismiss
21 Petition of Luis Alfonso Ruiz-Hernandez, in which the United States seeks dismissal,
22 pursuant to Federal Rule of Criminal Procedure 32.2(c)(1)(A), of the petition (the
23 "Petition") filed by Petitioner Luis Alfonso Ruiz-Hernandez ("L. Ruiz-Hernandez"),
24 Dkt. No. 308, in the ancillary proceeding in this matter for forfeiture of the following real
25 property that is included in the Preliminary Order of Forfeiture, Dkt No. 283, (the "240th
26 St. Property"):

1 The real property located at 6113 SW 240th St., Vashon, WA 98070; King
 2 Co. Parcel No. 222203-9022 with abbreviated legal description S 636.5 FT
 3 OF N 661.5 FT OF W 664.8 FT OF NE 1/4 OF NW 1/4.

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5 The Court, having reviewed the United States' Motion, as well as the other papers
 6 and pleadings filed in this matter, hereby FINDS:

7 1. The United States published notice of the pending forfeitures as required by
 8 21 U.S.C. § 853(n)(1) and Federal Rule of Criminal Procedure 32.2(b)(6)(C),
 9 Dkt. No. 292, and provided direct notice to potential claimants as required by Fed. R.
 10 Crim. P. 32.2(b)(6)(A), *see* Declaration of AUSA Jehiel Baer in Support of Motion to
 11 Dismiss Petition ("Baer Decl.") ¶ 3, Exhibits A–C.

12 2. Petitioner L. Ruiz-Hernandez filed the Petition in the ancillary proceeding
 13 claiming an interest in the 240th St. Property. Dkt. No. 308.

14 3. The Petition filed by L. Ruiz-Hernandez did not set forth facts, which, even
 15 if assumed to be true, would satisfy all elements necessary for recovery, including those
 16 relating to standing.

17 4. Specifically, the Petition does not allege an ownership, possessory, or other
 18 interest sufficient to confer standing on L. Ruiz-Hernandez; the Petition does not set forth
 19 facts that could plausibly establish by a preponderance of the evidence a property interest
 20 under Washington State law; and the Petition does not set forth facts that could plausibly
 21 establish by a preponderance of the evidence the elements set forth in either 21 U.S.C.
 22 §§ 853(n)(6)(A) or (B).

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24 NOW, THEREFORE, THE COURT ORDERS:

25 1. Pursuant to Federal Rule of Criminal Procedure 32.2(c)(1)(A), the Petition
 26 filed by Luis Alfonso Ruiz-Hernandez, Dkt. No. 308, is hereby DISMISSED with
 27 prejudice.

1 2. This Order shall not affect the rights of any other third party who has filed a
2 timely petition in this ancillary proceeding asserting an interest in property subject to
3 forfeiture.

4 3. The Court will retain jurisdiction for the purpose of enforcing this Order,
5 adjudicating any remaining third-party petitions, entering a Final Order of Forfeiture, and
6 amending the Preliminary Order or Final Order as necessary pursuant to Fed. R. Crim. P.
7 32.2(e).

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9 IT IS SO ORDERED.

10 DATED this 3rd day of September, 2024.

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14 THE HON. JAMES L. ROBART
15 UNITED STATES DISTRICT JUDGE

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17 Presented by:

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